

STUDENT DISCRIMINATION GRIEVANCE PROCEDURE

with the parties involved and the Chairperson for the Grievance Committee, is unable to bring about a resolution of the matter satisfactory to all parties, the Vice President shall notify in writing the Chairperson for the Grievance Committee.

6. Within ten (10) days after receipt of the notice from the Vice President, the Chairperson for the Grievance Committee shall convene the Committee for an informal discussion of the grievance and a decision as to whether there exists adequate grounds for a formal hearing. This is an informal discussion only to examine the grounds on which the grievance is filed. The complainant and all persons named in the written complaint originally filed will be called to this discussion. No witnesses will participate in these discussions. It is desirable that the complainant be represented only by him/herself at these discussions without the aid of an advisor or legal counsel. Likewise, it is desirable that the person or persons against whom the grievance is filed be represented only by themselves without the aid of an advisor or legal counsel.
7. If the Grievance Committee decides at its informal hearing that there is no basis for a formal hearing, it shall inform the Vice President for Student Affairs or the designated HSC Officer of its decision in writing. The decision of the Vice President or HSC Officer with regard to the matter shall be determinative of the matter. The Vice President for Student Affairs or the HSC Officer shall render a decision on the matter in writing to each of the parties involved in the informal hearing.
8. The complainant may appeal the decision by the Vice President for Student Affairs or HSC Officer. The appeal shall be made to the President of the University, and shall contain the statement of the original charges as filed. No change in these charges or introduction of new charges may be entered in this appeal. The appeal shall set forth specific reasons for challenging the decision by the Vice President or HSC Officer, and indicate why a formal hearing of the grievance should be held.
9. The President will investigate the appeal in consultation with the Vice President for Student Affairs or HSC Officer and any or all persons involved in the informal hearings. The President will investigate and consider only the adequacy of the decision not to conduct a formal hearing. The President will not attempt to consider evidence of the case or documents and testimony for or against the charge.
10. The President will make a decision either in support of the decision by the Vice President for Student Affairs or HSC Officer or order a formal hearing. This decision will be made within ten (10) days after receipt of the appeal from the complainant. The decision will be sent to the Vice President for Student Affairs or HSC Officer, the complainant, all persons named in the complaint, and the Chairperson of the Grievance Committee. The text of this decision shall communicate all determinations of fact which formed a basis for the decision. In the event that the President's decision supports the decision of the Vice President for Student Affairs or HSC Officer not to conduct a formal hearing, that decision ends the internal processes for settlement of the grievance.
11. In the event of a formal grievance hearing, the Chairperson for the Grievance Committee shall send a written invitation to the complainant and all persons named in the complaint to a pre-hearing conference. The invitation should include a re-statement of the charges and the specific relief sought. The purpose of the pre-hearing conference shall be to adopt a schedule for proceedings, determine the issues to be heard, and identify appropriate witnesses. Reasonable efforts should be made to schedule a hearing date as convenient as possible for all persons involved. At the pre-hearing conference, each of the parties to the grievance hearing shall furnish a list of all witnesses they wish to present at the formal hearing and a brief statement setting forth the issues each witness will address. Additional witnesses may be called only by the committee, at its discretion. The testimony and calling of all witnesses shall be subject to a determination by the committee that the witness and testimony to be presented are relevant to the grievance as stated. The committee may use such authority as it possesses to persuade necessary witnesses to appear. All parties shall be notified of the time and place designated for the formal hearing.
12. The Chairperson shall be responsible for the provision of all notices to parties and witnesses. At the beginning of the hearing, the Chairperson shall outline the procedure to be followed and he/she shall have the authority to conduct the meeting in accordance with the procedure as outlined. The Chair will initially permit the witness to make a statement offering known facts and opinions related to the stated charges. All parties and committee members, in proper turn, will be allowed to question the witnesses. After appropriate testimony, the witness will be dismissed subject to recall by the Committee Chair. The complainant and each person named in the complaint may invite an adviser who may speak and act in behalf of the complainant or respondents. The use of legal counsel shall be considered inadvisable for so long as the case remains a matter of internal University adjudication. However, if legal counsel is invited by any persons involved in the hearing, that fact must be made known in the pre-hearing conference. In such case, all other persons involved in the hearing reserve the right to invite legal counsel. The costs for legal counsel must be borne by the person inviting the counsel. The entire proceedings for the formal grievance hearing shall be closed unless the complainant and respondent(s) mutually agree that they be open. No formal rules of evidence or procedure shall be in effect or applicable to this procedure. The Chairperson shall have the authority to limit participation and/or questioning and comments when he/she feels that either is improper, irrelevant, or otherwise unproductive.
13. The costs of attendance by any witness must be borne by the witness or the person calling the same. The University (through the Office of Student Affairs or the designated HSC Officer) shall bear the costs of the hearing and any record thereof.
14. The Grievance Committee shall have access, within reasonable limitations, to all relevant documents and other materials, but shall consider as evidence only those materials to which all persons involved in the charge have been afforded access.
15. At any point in the proceedings, the complainant may withdraw the charge. The grounds for the alleged grievance, however, may not be changed after the original written request for a formal hearing is submitted to the Vice President for Student Affairs or the designated HSC Officer.
16. After hearing input from the complainant, all persons named in the charge, all witnesses invited by the complainant, all witnesses invited by the person(s) named in the charge, all witnesses invited by the Committee, and careful consideration of all relevant documents, the Committee will retire for further discussion and deliberation on the case. When a decision is reached, the Committee will submit its report, in writing, to the Vice President for Student Affairs or the HSC Officer. This report will be submitted within five (5) days after completion of the hearing. The report shall consist of a summary of the proceedings, the Committee's recommendations, the testimony and documentation presented, and the basis for the recommendations.
17. Within ten (10) days after receipt of the Committee's recommendations, the Vice President for Student Affairs or the designated HSC Officer shall review the recommendations and all supportive materials. The Vice President or HSC Officer will make an official decision. The decision may be to support the Committee's recommendations in part or whole. If the Vice President or HSC Officer cannot support the Committee's recommendation, he/she may conduct an independent investigation and reach an independent decision. The decision of the Vice President for Student Affairs or HSC Officer will end the formal hearing process.